

FOURTH DAY

(Monday, January 16, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gordon, Mrs.
Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Cauthorn	Kersey
Celaya	Kinard
Chambers	King
Clark	Langdon
Cleveland	Lehman
Cockrell	Leonard
Coleman	Leyendecker
Colson, Mrs.	Little
Colquitt	Lock
Cornett	Loggins
Corry	London
Crossley	Mays
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Derden	McMurry
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Olsen
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Goodman	

Ragsdale	Stoll
Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Wells
Smith of Frio	Westbrook
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Winfree
Spencer	Wright
Stinson	

Absent—Excused

McNamara	Wood
Pope	Worley
Reader of Bexar	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Wood for today, on motion of Mr. Fielden.

Mr. McNamara for today, on motion of Mrs. Colson.

Mr. Worley for today, on motion of Mr. Morris.

Mr. Reader of Bexar for today, on motion of Mr. Reader of Erath.

The following Member was granted leave of absence on account of illness:

Mr. Pope for today, on motion of Mr. Boyer.

HOUSE BILL ON FIRST READING

The following House Bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mrs. Colson and Mr. Loggins:

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its

terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an Assistant District Attorney, to prosecute cases in said Court, making an appropriation for his salary; providing for the District Clerks of Montgomery County, Polk County and San Jacinto County and their successors in office to be the clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; and to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such Court to such changes, and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any Section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining Sections or provisions, and declaring an emergency."

Referred to Temporary Committee on Appropriations.

CONCERNING EMPLOYEES OF THE STATE

Mr. Hardin offered the following resolution:

H. C. R. No. 14, Concerning employees of the State.

Whereas, There are thousands of Texas citizens that are today unemployed, many of whom are thoroughly competent to fill many positions as State employees.

Whereas, There are a number of State Departments that have both the man and wife of one individual family employed.

Resolved, by the House of Representatives and Senate concurring, That all State Departments check their pay-roll, and that where it is found that both man and wife are on the pay-roll that either the man or the wife be discharged, in order that they might make room for some other family.

The resolution was read second time.

Mr. Alsup raised a point of order, on consideration of the resolution at this time, on the ground that the resolution attempts to amend the statutes.

The Speaker overruled the point of order.

The resolution was then adopted.

NAMING WILLIAM CALVIN MONTGOMERY, JR., MASCOT OF THE HOUSE

Mr. Westbrook offered the following resolution:

H. S. R. No. 44, Naming William Calvin Montgomery, Jr., Mascot of the House.

Whereas, We have with us now a proper person for the office of one of the Mascots of the House of Representatives of the Forty-sixth Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots for the House of Representatives of the Forty-sixth Legislature; and

Whereas, This young man is four years of age and will appreciate this distinction of being selected a Mascot of this Legislature; now, therefore, be it

Resolved, That William Calvin Montgomery, Jr., of Houston, Texas, son of our distinguished Member, the Honorable William Calvin Montgomery of Houston, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have a picture made and placed in the official group of this body and that a copy of this resolution be given to him.

The resolution was read second time, and was adopted.

NAMING KAL SEGRIST, JR., MASCOT OF THE HOUSE

Mr. Stinson offered the following resolution:

H. S. R. No. 45, Naming Kal Segrist, Jr., Mascot of the House.

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the 46th Legislature; now, therefore, be it

Resolved, That Kal Segrist, Jr., son of the Honorable Kal Segrist, Sr., be hereby officially named by this House as one of the Mascots of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body.

STINSON,
REED,
COLQUITT,
McDANIEL,
BLANKENSHIP.

The resolution was read second time, and was adopted.

REQUESTING CERTAIN INFORMATION OF THE OLD AGE COMMISSION

Mr. Westbrook offered the following resolution:

H. S. R. No. 46, Requesting certain information of the Old Age Commission.

Whereas, The Forty-sixth Legislature will have before it the proposition of establishing a State Civil Service system for control of employment of State employees; and

Whereas, The Old Age Assistance Commission of the State Board of Control has established and is operating under its Personnel Department a system of Civil Service for control of employment in that work; therefore, be it

Resolved, by the House of Representatives of the State of Texas in the Forty-sixth Legislature, That this House requests of the Old Age Assistance Commission a complete report on the operations of its Personnel Department, with special emphasis on the following factors:

1. Manner in which examinations were (a) compiled; (b) given to applicants; (c) graded, and (d) recorded, together with copies of sets of questions used.

2. A complete list of all employees of the Commission showing (a) those not required to take said Civil Service examination and reasons therefor; (b) those required to take said examinations together with their respective grades; (c) all those who took said examinations but were not given employment, together with their grades, and their respective addresses.

3. Names and addresses of all those employed in giving said examinations or in grading papers on same.

4. Manner in which employees were selected from lists of those qualifying under such examinations, including information as to whether or not all applicants were given similar tests, or if any individuals or groups were exempted from tests required of other individual applicants.

5. What policy was adopted and now in effect as to informing applicants as to their respective grades and ratings, as is carried out by the Civil Service Commission of the United States Government.

Be It Further Resolved, That said Old Age Commission be requested to have this report available to this House not later than February 1, 1939.

The resolution was read second time.

On motion of Mr. Petsch, the resolution was referred to the Committee on State Affairs.

COMMEMORATING ALVIN GRANGER

Mr. Kinard offered the following resolution:

H. S. R. No. 48, Commemorating the action of Alvin Granger.

Whereas, On December 29, 1938, Mr. and Mrs. E. A. Slocum, accompanied by their two children, Louise, six, and Harry Joe, nine, and by Mr. O. W. Loving, all of Lake Charles, Louisiana, were driving east on the Old Spanish Trail just over the Sabine River Bridge on the Louisiana side, when their car plunged through a bridge into a canal of water 15 feet deep; and

Whereas, Alvin Granger of Orange, Texas, accompanied by his wife and children, was driving west on this same highway and approached the scene of the accident, and Alvin Granger did, by himself, cognizant of the danger, plunge into the icy

waters of the canal, break the glasses of the submerged sedan, and remove, one by one, the occupants of the doomed car in successive dives; and

Whereas, Representatives of the Governor of the State of Louisiana and of the Highway Department of that State, together with the Governor of the State of Texas and Public Safety Division of the State of Texas, did, on January 6, 1939, in recognition of the bravery and heroism displayed by Alvin Granger, award to him medals of the State of Louisiana and of the State of Texas, commemorating his feat; and the Governor of Texas and the Governor of Louisiana did, by proclamation, declare January 6, 1939, to be Alvin Granger Day in the respective States of Texas and Louisiana, and did thereby designate him Public Hero Number One for the year 1938; and

Whereas, The courage and bravery of Alvin Granger did inspire various civic organizations to petition the Carnegie Foundation to award to the Public Hero Number One of 1938 the Carnegie Medal; now, therefore, be it

Resolved by the House of Representatives, That a copy of this Resolution be spread on the memorial pages of the House Journal of this day in memory of the heroic achievement of a man who placed the love of human life above that of his own and who has brought honor to his State and has inspired the people of the two sister States, Louisiana and Texas, to a greater sense of their responsibility to save lives on the highways of this Nation; and, be it further

Resolved, That the Chief Clerk of the House of Representatives send to the Carnegie Foundation a copy of this resolution under the seal of the House of Representatives and that when the House adjourns today, they do so with all honor and respect accorded to the heroic achievement of Alvin Granger.

KINARD,
NICHOLSON,
DANIEL,
RIVIERE.

The resolution was read second time, and was adopted.

MEMORIALIZING CONGRESS IN REGARD TO OLD AGE ASSISTANCE

Mr. Colquitt offered the following resolution:

H. S. R. No. 47, Memorializing Congress in regard to Old Age Assistance.

Whereas, On August 24, 1935, a majority of the qualified electors voting in the State of Texas amended Article 3 of the Constitution by adopting Section 51-b, to-wit:

"Section 51-b. Old Age Assistance. The Legislature shall have the power by general laws to provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old age assistance and for the payment of same not to exceed Fifteen Dollars (\$15) per month each to actual bona fide citizens of Texas who are over the age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old age assistance and continuously for one (1) year immediately preceding such application.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for old age assistance as that Government may offer not inconsistent with the restrictions hereinbefore provided. (Sec. 51-b, Art. 3, adopted August 24, 1935.)" and

Whereas, The 74th Congress of the United States adopted H. R. 7260 which was approved and became effective August 14, 1935, and which provided for old age assistance to-wit:

"Section 1. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to aged needy individuals, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes

of this title. The sums made available under this Section shall be used for making payments to States which have submitted, and had approved by the Social Security Board established by Title VII (hereinafter referred to as the "Board"), State plans for old age assistance.

State Old Age Assistance Plans

"Sec. 2. (a) A State plan for old age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual whose claim for old age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that, if the State or any of its political subdivisions collects from the estate of any recipient of old age assistance any amount with respect to old age assistance furnished him under the plan, one-half of the net amount so collected shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this Title.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (2), except that it shall not approve any plan which imposes, as a condition of eligibility for old age assistance under the plan—

(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or

(2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old age assistance and has resided therein continuously for one year immediately preceding the application; or

(3) Any citizenship requirement which excludes any citizen of the United States.

Payment to States

"Sec. 3. (a) For the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old age assistance, for each quarter, beginning with the quarter commencing July 1, 1935. (1) an amount which shall be used exclusively as old age assistance, equal to one-half of the total of the sums expended during such quarter as old age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for old age assistance, or both, and for no other purpose. Provided, that the State plan, in order to be approved by the Board, need not provide for financial participation before July 1, 1937, by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

(b) The method of computing and paying such amounts shall be as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such ex-

penditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived. (B) records showing the number of aged individuals in the State, and (C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (2) for such quarter, except to the extent that such sum has been applied to make the amount estimated by the Board for such prior quarter.

Operation of State Plans

Sec. 4. In the case of any State plan for old age assistance which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) That the plan has been so changed as to impose any age, residence, or citizenship requirement prohibited by Section 2 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency in a substantial number of cases; or

(2) that the administration of the plan there is a failure to comply substantially with any provision required by Section 2 (a) to be included in the plan; the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

Administration

Sec. 5. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000, for all necessary expenses

of the Board in administering the provisions of this title.

Sec. 6. When used in this title the term 'old age assistance' means money payments to aged individuals."

Whereas, At every succeeding election the State of Texas and in numerous conventions of the people assembled, the people of Texas have expressed a desire and ambition that the pension laws of the United States be liberalized; therefore, be it

Resolved, That the House of Representatives of the Forty-sixth Legislature of the State of Texas memorialize and petition the Representatives and Senators from Texas in the present 78th Congress to use their efforts and influence to broaden and liberalize the statutes as set forth in H. R. 7260 of the 74th Congress, and to carry out the desires and demands of the people; and be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send a copy of this resolution to each Member and Senator from Texas in the present 78th Congress under his official seal.

The resolution was read second time.

Mr. Harris moved that the resolution be referred to the Committee on State Affairs.

Mr. Keith raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

PROVIDING FOR JOINT SESSION TO HEAR ADDRESS OF GOVERNOR-ELECT W. LEE O'DANIEL

Mr. Skiles offered the following resolution:

H. C. R. No. 13, Providing for Joint Session to hear address of Governor-elect W. Lee O'Daniel.

Be It Resolved by the House of Representatives, the Senate concurring, That the House and Senate meet in Joint Session at 2:00 o'clock, Wednesday afternoon, January 18th, for the purpose of hearing the message of His Excellency, the Honorable W. Lee O'Daniel, Governor of Texas.

The resolution was read second time, and was adopted.

ADOPTION OF PERMANENT RULES OF THE HOUSE

The Speaker laid before the House, for consideration, at this time, as unfinished business, the report of the Temporary Committee on Rules, submitted to the House on last Thursday.

Mr. Alsup asked unanimous consent of the House, that the report of the Temporary Committee on Rules, submitted to the House on last Thursday, be withdrawn, and that the following substitute report be offered in lieu thereof:

There was no objection offered, and it was so ordered.

Mr. Alsup then offered the following report, in lieu of the report heretofore submitted:

We, your Temporary Committee on Rules, hereby recommend that the Permanent Rules in force during the Forty-fifth Legislature be adopted as the Permanent Rules of the Forty-sixth Legislature with the following exception:

Rule XXIX (Texas Legislative Manual, Forty-fifth Legislature) pages 242, 243, and 244, be amended by adding another section thereto to be known as Rule XXIX A., reading, as follows:

RULE XXIX, A.

The Committee on Contingent Expenses is empowered and directed, under the supervision of the Speaker of the House, to purchase and erect a railing encircling and enclosing the area occupied by the desks of the Members of the House. If said railing is erected, no person shall be admitted to this area except the Governor and his private secretary, the Lieutenant Governor, duly accredited newspaper reporters and correspondents who have complied with Sections 2 and 3 of Rule XXIX of the Permanent Rules of the Regular Session of the Forty-fifth Legislature, Members of the Senate and employees of the Senate, officers of the House and employees of the House, when said employees are actually engaged in the discharge of their duties as employees. It shall be the special duty of the Speaker to see that said employees do not remain within this area except when they are actually engaged in the performance of their official duties.

All other persons entitled to admission to the Hall of the House, under Section 1 of Rule XXIX of the Permanent Rules of the Forty-fifth Legislature, shall be admitted to the area aforementioned only by resolution adopted by the House.

ALSUP,
THORNTON,
MRS. COLSON,
HANKAMER,
LEONARD.

Mr. Alsup offered the following amendment to the report:

Amend Rule 3, Section 4 (page 120, Texas Legislative Manual, Forty-fifth Legislature), by striking out all of said Section 4, except the last sentence therein, and by amending Rule 8, Section 18 (pages 131-132, Texas Legislative Manual, Forty-fifth Legislature), by adding the following to said Section:

"The Committee shall procure and keep for the use of the Members and officers of the House such stationery and other supplies as may be ordered by the House or the Committee on Contingent Expenses. The Committee shall keep an itemized account of the quantity of every kind of material received, the date it was received and the price paid therefor, and the person for whom it was received and to whom it was delivered for use with the date and quantity of each delivery. The unused remainder, if any, the Committee shall deliver at the close of the Session to the Board of Control for safe-keeping."

The amendment was adopted.

Mr. Hankamer offered the following amendment to the report:

Amend Rules of the House of Representatives of the Forty-fifth Legislature, by striking out all of Section 41 of Rule 8, (pages 136, 320, 321 and 322 of Texas Legislative Manual, Forty-fifth Legislature), and inserting in lieu thereof a new Section to be known as Section 41, to read as follows:

"Sec. 41. Representation before the Legislature.—

"No addition shall be made to the membership of any committee after it has been formed as herein provided, except upon motion of the chairman of the committee, concurred in by the Speaker and approved by a majority of the House.

"There shall be a standing committee of the House of Representatives to be known as the Committee on Representation before the Legislature, which shall consist of five Members to be appointed by the Speaker.

"No person shall be allowed to appear before any committee of the House of Representatives, in support of or in opposition to the passage or adoption of any bill or resolution until he has first filed with the Chairman of the Committee before which he is appearing, (unless he has previously filed such a sworn statement before the Committee on Representation before the Legislature), a sworn statement showing every person, firm, corporation, class or group which he represents in appearing before such Committee. The form of such sworn statement shall be prescribed by the Committee on Representation before the Legislature, and shall provide for the names and business addresses of the person appearing before the Committee, and the person, firm, corporation, class or group represented and the type of business, profession or occupation of the person, firm, corporation, class or group represented.

"When such sworn statement is filed with any committee except the Committee on Representation before the Legislature, the Chairman of the Committee before which it is filed shall deliver such sworn statement to the Committee on Representation before the Legislature, to become a part of the permanent records of said Committee."

HANKAMER,
TAYLOR,
RAGSDALE,
McDANIEL,
ROBINSON,
SMITH of Matagorda.

The amendment was adopted.

Mr. Spencer and Mr. Wells offered the following amendment to the report:

Amend House Rules, at proper place, by providing that all free conference reports relating to appropriation bills be printed in the House Journal at least 48 hours before action is taken by House.

SPENCER,
WELLS,
MORRIS,

BRADBURY,
CORNETT,
KERSEY,
SMITH of Hopkins,
HARDIN,
BAKER of Grayson,
WESTBROOK,
OLIVER,
CHAMBERS,
HOWINGTON,
ROACH,
KENNEDY,
PACE,
READER of Erath,
BLANKENSHIP,
LONDON,
KEITH,
ALLISON.

(Pending consideration of the amendment, by Mr. Spencer and Mr. Wells, Mr. Morris occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Turner offered the following amendment to the amendment:

Amend the amendment, by adding the words: "Provided, however, that this requirement shall be suspended during the last four days of a Regular Session, and during the last two days of Special Sessions."

Mr. Fielden moved that the amendment by Mr. Turner be tabled.

The motion to table prevailed.

Mr. Anderson offered the following amendment to the amendment:

Insert the word "Major" before the word "appropriation".

On motion of Mr. Fielden, the amendment by Mr. Anderson was tabled.

The amendment by Mr. Spencer and Mr. Wells was then adopted.

Mr. Spencer moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Thornton offered the following amendment to the report:

Amend substitute report by adding the following:

4a. Amend Rule 19, Section 6, paragraph 4, (page 192, Texas Legislative Manual, Forty-fifth Legislature), by inserting the word "calendar" before the words "Wednesday" and "Thursday".

4b. Amend Rule 19, Section 6, paragraph 4 (page 192, Texas Legis-

lative Manual, Forty-fifth Legislature), by striking out the words "day (Friday)" and inserting in lieu thereof the words "calendar Wednesday".

The amendment was adopted.

The report, as amended, was then adopted by the following vote:

Yeas—127

Allen	Harp
Allison	Harper
Alsup	Harrell of Bastrop
Anderson	Harrell of Lamar
Bailey	Harris
Baker	Hartzog
of Fort Bend	Heflin
Baker of Grayson	Holland
Bell	Howard
Blankenship	Howington
Boyd	Hull
Boyer	Hunt
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bray	Kennedy
Bridgers	Kern
Broadfoot	Kerr
Brown of Cherokee	Kersey
Brown	Kinard
of Nacogdoches	King
Bundy	Langdon
Burkett	Lehman
Burney	Leonard
Cauthorn	Leyendecker
Chambers	Little
Clark	Lock
Cleveland	Loggins
Cockrell	London
Coleman	McAlister
Colquitt	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Corry	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Davis of Upshur	Morris
Dean	Newell
Dickison	Nicholson
Donaghey	Pevhouse
Dwyer	Piner
Faulkner	Ragsdale
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Hardin	Shell

Skiles	Thornberry
Smith of Frio	Thornton
Smith of Hopkins	Turner
Smith	Vale
of Matagorda	Vint
Spencer	Voigt
Stinson	Waggoner
Stoll	Weldon
Talbert	Wells
Tarwater	Wilson
Taylor	Winfree
Tennant	Wright

Present—Not Voting

Westbrook

Absent

Bond	Keith
Celaya	Mays
Davis of Jasper	McDaniel
Derden	Oliver
Dickson	Olsen
Dowell	Pace
Fuchs	Petsch
Johnson of Tarrant	White

Absent—Excused

McNamara	Wood
Pope	Worley
Reader of Bexar	

Mr. Thornton moved to reconsider the vote by which the report of the Committee on Rules was adopted, and to table the motion to reconsider.

The motion to table prevailed.

TO SUSPEND CERTAIN HOUSE RULES

Mr. Hardin, having been recognized by the Chair, made the following motion:

Mr. Speaker:

I move that the rules prohibiting broadcasting in the House be suspended, in order that the message of Governor W. Lee O'Daniel may be broadcast directly from the floor, and that the Speaker of the House be authorized to permit the installation of such equipment as is necessary for said broadcast.

The motion prevailed.

BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Thornberry, House Bill No. 3 was ordered not printed.

On motion of Mrs. Gordon, House Bill No. 2 was ordered not printed.

HOUSE BILL NO 3 ON SECOND
READING

Mrs. Colson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 3 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—134

Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Bailey	Hardeman
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bradford	Howington
Bray	Hull
Bridgers	Hunt
Broadfoot	Isaacks
Brown of Cherokee	Johnson of Ellis
Brown	Johnson of Tarrant
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Burney	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	McAlister
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dean	McFarland
Dickison	McMurry
Donaghey	Mohrmann
Dowell	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Petsch
Galbreath	Pevhouse
Gilmer	Piner
Goodman	Ragsdale
Gordon, Mrs.	Reader of Erath

Reaves	Stoll
Reed	Talbert
Rhodes	Tarwater
Riviere	Taylor
Roach	Tennant
Roberts	Thornberry
Robinson	Thornton
Russell	Turner
Schuenemann	Vale
Segrist	Vint
Shell	Waggoner
Skiles	Weldon
Smith of Frio	Wells
Smith of Hopkins	Westbrook
Smith	Wilson
of Matagorda	Winfree
Spencer	Wright
Stinson	

Absent

Anderson	Mays
Cauthorn	Monkhouse
Derden	Pace
Dickson	Voigt
Hardin	White

Absent—Excused

McNamara	Wood
Pope	Worley
Reader of Bexar	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a Judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an Assistant District Attorney, to prosecute cases in said Court, making an appropriation for his salary; providing for the District Clerks of Montgomery County, Polk County and San Jacinto County and their successors in office to be the Clerks for the said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; and to change and prescribe the time for holding District Court of the Ninth

Judicial District of the State of Texas; and to conform all writs and processes of such Court to such changes, and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws and parts of laws in conflict herewith; providing that if any Section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or effect the remaining sections or provisions, and declaring an emergency."

The bill was read second time.

Mrs. Colson offered the following committee amendment to the bill:

Amend House Bill No. 3, Section 15, paragraph 1, by striking out the word "and" after the word "Montgomery", and by striking out the words "to the thirtieth day of June, A. D., 1943".

The committee amendment was adopted.

House Bill No. 3 was then passed to engrossment.

HOUSE BILL NO. 3 ON THIRD READING

The Speaker then laid House Bill No. 3 before the House on its third reading and final passage.

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 3 was then passed by the following vote:

Yeas—134

Allen	Boyd
Allison	Boyer
Alsup	Bradbury
Anderson	Bradford
Bailey	Bray
Baker	Bridgers
of Fort Bend	Broadfoot
Baker of Grayson	Brown of Cherokee
Bell	Brown
Blankenship	of Nacogdoches
Bond	Bundy

Burney	Lock
Celaya	Loggins
Chambers	London
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McFarland
Colson, Mrs.	McMurry
Cornett	Mohrmann
Corry	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Nicholson
Dean	Oliver
Dickison	Olsen
Donaghey	Pace
Dwyer	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Ragsdale
Fielden	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gilmer	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roach
Hale	Roberts
Hamilton	Robinson
Hankamer	Russell
Hardeman	Schuenemann
Hardin	Segrist
Harp	Shell
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Harris	Smith
Hartzog	of Matagorda
Heflin	Spencer
Holland	Stinson
Howard	Stoll
Howington	Talbert
Hull	Tarwater
Hunt	Taylor
Isaacks	Tennant
Johnson of Ellis	Thornberry
Johnson of Tarrant	Thornton
Keith	Turner
Kennedy	Vale
Kern	Vint
Kerr	Voigt
Kersey	Waggoner
Kinard	Weldon
King	Wells
Langdon	Westbrook
Lehman	Wilson
Leonard	Winfree
Leyendecker	Wright
Little	
Burkett	Absent
Cauthorn	Dickson
Clark	Dowell
Crossley	Mays
Derden	Monkhouse
	White

Absent—Excused

McNamara Wood
Pope Worley
Reader of Bexar

Mrs. Colson moved to reconsider the vote by which House Bill No. 3 was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 2 ON SECOND READING

Mrs. Gordon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 2 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Allen	Felty
Alsup	Ferguson
Anderson	Fielden
Bailey	Galbreath
Baker	Gilmer
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Blankenship	Hamilton
Boyd	Hankamer
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Harris
Brown	Hartzog
of Nacogdoches	Heflin
Bundy	Holland
Burkett	Howard
Cauthorn	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Crossley	Kersey
Daniel	Kinard
Davis of Upshur	King
Dean	Langdon
Dickison	Lehman
Dickson	Leonard
Donaghey	Leyendecker
Dowell	Little
Dwyer	Lock
Faulkner	Loggins

London	Shell
Mays	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
Mohrmann	Stinson
Monkhouse	Stoll
Montgomery	Talbert
Morris	Tarwater
Newell	Taylor
Nicholson	Tennant
Oliver	Thornberry
Petsch	Thornton
Pevehouse	Turner
Piner	Vint
Reader of Erath	Voigt
Reaves	Waggoner
Reed	Weldon
Rhodes	Wells
Riviere	Westbrook
Roberts	White
Robinson	Wilson
Russell	Winfree
Schuenemann	Wright
Segrist	

Absent

Allison	Fuchs
Bond	Hardeman
Bray	Keith
Burney	Olsen
Celaya	Pace
Corry	Ragsdale
Davis of Jasper	Roach
Derden	Vale

Absent—Excused

McNamara Wood
Pope Worley
Reader of Bexar

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act amending Article 1901 of the Revised Civil Statutes of 1925 pertaining to the custody and care of records, excepting certain counties, and providing specific provisions for the removal of records under certain conditions, and providing an emergency."

The bill was read second time.

Mrs. Gordon offered the following committee amendment to the bill:

Amend House Bill No. 2 by striking out the figures "1850" and insert in lieu thereof "1860".

The amendment was adopted.

(Mr. Leonard in the Chair.)

House Bill No. 2 was then passed to engrossment.

HOUSE BILL NO. 2 ON THIRD READING

The Chair then laid House Bill No. 2 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Allen	Harp
Alsup	Harper
Anderson	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Heflin
Bell	Holland
Blankenship	Howard
Boyd	Howington
Boyer	Hull
Bradbury	Hunt
Bradford	Isaacks
Bray	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Kennedy
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Bundy	Kinard
Burney	King
Cauthorn	Langdon
Celaya	Lehman
Chambers	Leyendecker
Clark	Little
Cleveland	Lock
Cockrell	Loggins
Coleman	London
Colquitt	Mays
Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Upshur	Mohrmann
Dean	Monkhouse
Dickison	Montgomery
Donaghey	Morris
Dowell	Newell
Dwyer	Nicholson
Faulkner	Oliver
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Ragsdale
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hamilton	Rhodes
Hankamer	Riviere
Hardin	Roach

Roberts	Taylor
Robinson	Tennant
Russell	Thornberry
Schuenemann	Thornton
Segrist	Turner
Shell	Vale
Skiles	Vint
Smith of Frio	Voigt
Smith of Hopkins	Waggoner
Smith	Weldon
of Matagorda	Wells
Spencer	Westbrook
Stinson	Wilson
Stoll	Winfree
Talbert	Wright
Tarwater	

Absent

Allison	Hale
Bond	Hardeman
Burkett	Keith
Davis of Jasper	Olsen
Derden	Reed
Dickson	White
Felty	

Absent—Excused

McNamara	Wood
Pope	Worley
Reader of Bexar	

EXTENDING AN INVITATION TO REV. M. E. SADLER

The Chair laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 3, Extending an invitation to Rev. M. E. Sadler.

Be It Resolved by Senate, the House of Representatives concurring, That the Rev. M. E. Sadler, pastor of the Central Christian Church of Austin be invited to deliver the invocation at the Joint Session of the Legislature to be held Tuesday, January 17, 1939 for the purpose of inaugurating the Governor-elect and the Lieutenant-Governor-elect.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read, the following message from the Governor:

Austin, Texas, January 16, 1939.

To the Members of the Forty-sixth Legislature:

For emergency action I respectfully submit herewith for your consideration and approval a bill for an Act

ratifying the Rio Grande Compact, signed at Santa Fe, New Mexico, on March 18, 1938, by commissioners for the States of Colorado, New Mexico, and Texas, and for the United States.

This compact is the fruit of over 10 years of negotiations, and has directly or indirectly entailed an expense of over a half million dollars, the greater part of which was borne by the United States in an effort to bring to an end a controversy of more than 40 years' standing between the three States over the waters of the Rio Grande. When ratified by the Legislatures of the three States and approved by the Congress of the United States, it will, in my judgment, have composed some 40 years of differences between these States, and will have brought to an end the suit pending in the Supreme Court of the United States between Texas and New Mexico over the waters of this river. This litigation has already cost the State and citizens of the State over \$100,000.00.

Ratification of this compact will likewise, I believe, pave the way for treaty negotiations between the United States and Mexico over the waters of the Rio Grande from Fort Quitman to the Gulf.

The Compact represents the equitable apportionment of the waters of the Rio Grande above Fort Quitman among the three States; and I respectfully recommend its prompt ratification.

In this connection, permit me to direct your attention to the fact that only \$1,000.00 was appropriated for the salary and expenses of the Rio Grande Compact Commissioner for the fiscal year ending August 31, 1939, and this sum has already been necessarily expended. I therefore recommend an additional emergency appropriation of \$5,000.00 for the salary and expenses of the Commissioner, and for the purpose of putting into effect the machinery of the Compact, for the balance of the fiscal year.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

NAMING SHIRLEY ROBINSON MASCOT OF THE HOUSE

Mr. Thornton offered the following resolution:

H. S. R. No. 54, Naming Shirley Robinson Mascot of the House.

Whereas, Up to the present time several lovely and charming young daughters of Representatives of this House have been named as Mascots; and

Whereas, We have in our midst Shirley Robinson, daughter of the Honorable T. R. Robinson, Member of the House of Representatives; therefore, be it

Resolved by the House of Representatives, That Shirley Robinson be added to the list of Mascots of this House and that her name be placed on the list and her picture appear in the group picture of the Members of this House.

The resolution was read second time, and was adopted.

NAMING MARY ELIZABETH McFARLAND MASCOT OF THE HOUSE

Mr. Thornton offered the following resolution:

H. S. R. No. 53, Naming Mary Elizabeth McFarland Mascot of the House.

Whereas, Up to the present time several lovely and charming young daughters and sons of various Representatives of this House have been elected as Mascots; and

Whereas, Mary Elizabeth McFarland, lovely granddaughter of our distinguished fellow Member, C. M. McFarland, is a proper person to be elected as a Mascot; now, therefore, be it

Resolved, That Mary Elizabeth McFarland be hereby officially named as one of the Mascots for the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That her picture be placed in the group picture of the Members of the House of Representatives and that a copy of this resolution be forwarded to her.

The resolution was read second time, and was adopted.

NAMING SYLVIA IONE SCHUENE- MANN MASCOT OF THE HOUSE

Mr. Monkhouse offered the following resolution:

H. S. R. No. 56, Naming Sylvia Ione Schuenemann Mascot of the House.

Whereas, We have with us now a

proper person for the office of one of the Mascots of the House of Representatives of the Forty-sixth Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots for the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Sylvia Ione Schuenemann, of Kenedy, Texas, one year old daughter of our distinguished Member, the Honorable Helmuth H. Schuenemann, of Kenedy, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of this body and a copy of this resolution be given her.

The resolution was read second time, and was adopted.

NAMING MARJORIE JANE HEFLIN SWEETHEART OF THE HOUSE

Mr. Bond offered the following resolution:

H. S. R. No. 55, Naming Marjorie Jane Heflin Sweetheart of the House.

Whereas, Miss Marjorie Jane Heflin is the daughter of Representative J. M. Heflin of Harris County, a distinguished Member of this body; and

Whereas, The said Miss Marjorie Jane Heflin is a beautiful young lady with a charming personality, and is a proper person for Sweetheart of this, the Forty-sixth Legislature of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That Miss Marjorie Jane Heflin be designated as a Sweetheart of the House of Representatives of the Forty-sixth Legislature, and that her picture be placed in the group picture of the House of Representatives of the State of Texas along with the Members of the House.

The resolution was read second time, and was adopted.

NAMING HARVEY SHELL NEWTON MASCOT OF THE HOUSE

Mr. Schuenemann offered the following resolution:

H. S. R. No. 57, Naming Harvey Shell Newton Mascot of the House.

Whereas, We have with us now a proper person for the office of one of the Mascots of the House of Representatives of the Forty-sixth Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots for the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Harvey Shell Newton, of Gregory, Texas, ten month old grandson of our distinguished Member, the Honorable J. Harvey Shell of Gregory, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body and a copy of this resolution be given him.

SCHUENEMANN,
HARTZOG.

The resolution was read second time, and was adopted.

NAMING MARIBETH RHODES MASCOT OF THE HOUSE

Mr. Lehman offered the following resolution:

H. S. R. No. 58, Naming Maribeth Rhodes Mascot of the House.

Whereas, We have with us proper person for Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Maribeth Rhodes, daughter of the Honorable Cecil T. Rhodes, of Hearne, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascot have her picture made and placed in the official group of said body.

LEHMAN,
FIELDEN.

The resolution was read second time, and was adopted.

NAMING TERRY AND LARRY ANDERSON MASCOTS OF THE HOUSE

Mr. Hardin offered the following resolution:

H. S. R. No. 50, Naming Terry and

Larry Anderson Mascots of the House.

Whereas, Our fellow Member, Mr. W. J. Galbreath, has two twin grandsons, who are proper persons for offices of Mascots of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Terry and Larry Anderson, grandsons of our distinguished Member, W. J. Galbreath, be, hereby, officially named by this House as Mascots of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and, be it further

Resolved, That the said Mascots have their pictures made and placed in the official group of this body.

The resolution was read second time, and was adopted.

FIXING ORDER OF BUSINESS IN THE HOUSE

Mr. Alsup offered the following resolution:

H. S. R. No. 24A, Fixing order of business in the House.

Whereas, At the general election on November 4, 1930, Section 5 of Article III of the Constitution of Texas was amended so as to hereafter read as follows, to-wit:

"The Legislature shall meet every two years at such times as may be provided by law and at other times when convened by the Governor. When convened in Regular Session, the first 30 days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding 30 days of the Regular Session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further, that during the following 60 days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either

House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership."

Whereas, Under said amendment it is specifically provided that either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership; therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, by an affirmative vote of four-fifths of its Members, That the order of business is hereby determined to be otherwise, and specifically as set forth in the Permanent Rules of the House of Representatives of the Forty-sixth Legislature.

The resolution was read second time, and was adopted.

RELATIVE TO RULES OF PROCEDURE OF THE HOUSE

Mr. Bell offered the following resolution:

H. S. R. No. 34, Relative to rules and procedure of the House.

Whereas, The House of Representatives is now operating without any definite rules heretofore adopted, and whereas there is need for the adoption of definite rules for the procedure in the House of Representatives, and whereas the rules adopted, and under which the House of Representatives of the Forty-fifth Legislature operated, are printed and on each Member's desk, and whereas those rules were adequate to transact the business of the House of Representatives during the Forty-fifth Legislature; now, therefore, be it

Resolved, That the rules of procedure adopted and followed by the House of Representatives during the Forty-fifth Legislature be, and the same are hereby adopted as the rules and procedure during the Forty-sixth Legislative session.

WORLEY,
BELL.

The resolution was read second time.

On motion of Mr. Bell, the resolution was tabled.

MESSAGE FROM THE SENATE

Austin, Texas, January 16, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate

to inform the House that the Senate has passed the following:

H. C. R. No. 5, Deploring the passing of John L. Darrouzet.

H. C. R. No. 9, Providing for a Joint Session of the Legislature for the purpose of inaugurating Hon. W. Lee O'Daniel as Governor of Texas, and Hon. Coke Stevenson as Lieutenant Governor.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MEMORIALIZING CONGRESS IN REGARD TO THE CONFISCATION OF CERTAIN PROPERTIES

Mr. Dean offered the following resolution:

H. C. R. No. 15, Memorializing Congress in regard to the confiscation of certain properties.

Whereas, The Mexican Government, in the course of the last 12 months has taken without compensation hundreds of millions of dollars worth of property belonging to American citizens; and

Whereas, The greater part of the output of American-owned mines and oil fields which have been confiscated by the Mexican Government is now going to Germany, Japan and Italy; and

Whereas, The operation of mines and oil fields taken from Americans has been turned over to German technicians; and

Whereas, Mexican oil in considerable quantities has been brought into Texas at lower prices than those obtained for comparable Texas oil; and

Whereas, Mexican oil, admittedly taken from expropriated holdings of Americans, is being dumped wherever possible in many parts of the world under arrangements and at prices excluding American competition; and

Whereas, The government of the United States has made known its desire to protect this hemisphere against Nazi and Fascist penetration; and

Whereas, Under existing conditions, Mexico is the outstanding danger point in regard to such penetration; and

Whereas, The State of Texas, bordering Mexico for more than 900 miles, is particularly menaced by any

threat of foreign aggression through Mexico; and

Whereas, The State of Texas is particularly affected by the competition of Mexican oil, at home and abroad; the lessening of American-Mexican trade due to various trade arrangements between Mexico and Germany, Italy and Japan; and the ill-will on both sides of the Rio Grande resulting from confiscation of American property.

Now Therefore Be It Resolved, by the House of Representatives of the State of Texas, that:

1. This body respectfully calls the attention of the Department of State of the United States Government to the increasingly serious situation which is developing just across our border as a result of the apparently successful suppression of American rights and confiscation of American property in Mexico.

2. That it is the opinion of this body that insistence by the State Department upon prompt and fair compensation for American properties seized by Mexico or, in the alternative, the return of such properties to their American owners would be the speediest and most certain way to preserve the peace of the Americas and check Nazi and Fascist penetration at the point of greatest danger to the United States.

3. That a copy of this resolution be sent to the Hon. Cordell Hull, Secretary of State, and to each Senator and Congressman from Texas.

The resolution was read second time.

Mr. Bridgers moved that the resolution be referred to the Committee on State Affairs.

Mr. Dean moved to table the motion by Mr. Bridgers.

The motion to table was lost.

Mr. Nicholson moved, as a substitute motion, that the resolution be referred to the Committee on Oil, Gas and Mining, when same is created.

The substitute motion prevailed.

The motion, as substituted, prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, January 16, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate

to inform the House that the Senate has passed the following:

S. C. R. No. 3, Inviting Rev. M. E. Sadler, pastor of the Central Christian Church to deliver the invocation at the Joint Session of the Legislature to be held Tuesday, January 17, 1939, for the purpose of inaugurating the Governor-elect and the Lieutenant Governor-elect.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Speaker in the Chair.)

ADJOURNMENT

On motion of Mr. Hamilton, the House, at 12:08 o'clock p. m., adjourned until 9:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Temporary Committee on Appropriations filed favorable reports on House Bills Nos. 2 and 3.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 5, Deploring the passing of John L. Darrouzet.

Has carefully compared same, and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 1, Fixing the mileage and per diem of the Members of the Regular Session of the Forty-sixth Legislature.

Has carefully compared same, and finds it correctly enrolled.

LINDLEY, Acting Chairman.

Austin, Texas, January 16, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 3, Providing for a Joint Session of the House and Senate at 3 p. m., January 12, 1939, for the purpose of counting the votes and certifying the election of the Governor and the Lieutenant Governor.

Has carefully compared same, and finds it correctly enrolled.

LINDLEY, Acting Chairman.

In Memory of Mrs. N. E. Reynolds

Mr. Spencer offered the following resolution:

H. S. R. No. 49, In memory of Mrs. N. E. Reynolds.

Whereas, The House of Representatives has learned with deep regret of the passing on January 12, 1939, of Mrs. N. E. Reynolds, 86, daughter of a pioneer Methodist minister and wife of the late John Reynolds, former County Treasurer of Henderson County, from mortal sight into the heavenly realm of Him whose superior judgment is unquestioned; and

Whereas, Her parents, the late Rev. J. C. Walker and Mrs. Mary A. Walker, were pioneer East Texas church workers, and possessed those qualities, typical of Mrs. Reynolds, of consecration to duty and patriotism to the State of Texas; and

Whereas, The influence of her example will ever be a worthy example for emulation; now, therefore, be it

Resolved by the House of Representatives, That upon adjournment today we do so in honor of her, and as a tribute to the life she lived; and, be it further

Resolved, That a copy of this resolution be spread upon the memorial pages of the House Journal of this day, and that the Chief Clerk of the House of Representatives send a copy of this resolution to the members of her family.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Weldon, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Mrs. Clarence E. Farmer

Mr. Hull offered the following resolution:

H. S. R. No. 59, In memory of Mrs. Clarence E. Farmer.

Whereas, On the 18th day of January, 1938, Divine Providence permitted the Grim Reaper to take from us Mrs. Dora B. Farmer, the wife of the Hon. Clarence E. Farmer, a Member of the Forty-second, Forty-fourth and Forty-fifth Legislatures, after long suffering with an incurable malady; and

Whereas, During the sessions of the Forty-fifth Legislature she insisted that her husband should be present in the House performing his duties to the people, for she was a Texas democratic daughter and ever mindful of her duties as a good citizen; and

Whereas, She was a devout Christian, being a member of the Baptist Church, a faithful wife, and a devoted mother, having three daughters, one of whom has long served the State; and

Whereas, Her worthy example set for others, is worthy of admiration and emulation by all; the loss of her to her husband, her children and her home has been Heaven's gain, for she trusted in Him "who is the Resurrection and Life"; now, therefore, be it

Resolved, That the House of Representatives deeply deplores her untimely passing and hereby do express our sincerest sympathy to her bereaved husband and her daughters, Misses Evangeline, Juanita and Ruth, who is in the University of Texas; and, be it further

Resolved, That a page of the Journal of the House carry this resolution as a token of our respect and esteem of her service to Texas; and that the Chief Clerk of the House is directed to send a copy of this resolution to her husband and her three daughters; and, be it further

Resolved, That when the House does adjourn today, that it will do so in honor of the memory of this noble woman, the wife of our former colleague from Tarrant County, Texas.

HULL,
BRADFORD,
JOHNSON of Tarrant,
McALISTER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hunt, Isaacks, Johnson of Ellis, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.